

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

MOSS MCCARTY

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:04cv106-LG-RHW

CHEVRON U.S.A., INC., et al.

DEFENDANTS

ORDER DISMISSING CASE

This case is before the Court on [41] Plaintiff's motion to dismiss his lawsuit. By order [39] entered April 11, 2006, the Court allowed Plaintiff's counsel to withdraw from the case, and instructed Plaintiff, within thirty (30) days, to have new counsel enter an appearance on his behalf or provide written notice to the Court of his intention to represent himself. Also in the April 11, 2006, order, the Court granted Plaintiff sixty (60) days to respond to Defendants' pending motion for summary judgment. Plaintiff filed the instant motion April 27, 2006, stating:

Plaintiff has had the opportunity to consult an attorney and understands that he has the right to pursue his claims in this lawsuit but chooses not to do so; thus, Plaintiff states that he no longer wishes to prosecute this matter and requests that this case be dismissed with prejudice. ...each party to bear his/its own costs and attorney's fees.

Defense Counsel approved the motion. It is therefore,

ORDERED that [41], Plaintiff's motion to dismiss his lawsuit is granted, and this case is dismissed with prejudice, with each party to bear his/its own costs.

SO ORDERED, this the 1st day of May, 2006.

/s/ Robert H. Walker

ROBERT H. WALKER
UNITED STATES MAGISTRATE JUDGE